

1 Larry A. Hammond, 004049
2 Anne M. Chapman, 025965
3 OSBORN MALEDON, P.A.
4 2929 N. Central Avenue, 21st Floor
5 Phoenix, Arizona 85012-2793
6 (602) 640-9000
7 lhammond@omlaw.com
8 achapman@omlaw.com

9 John M. Sears, 005617
10 P.O. Box 4080
11 Prescott, Arizona 86302
12 (928) 778-5208
13 John.Sears@azbar.org

14 Attorneys for Defendant

15 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
16 IN AND FOR THE COUNTY OF YAVAPAI

17 STATE OF ARIZONA,)	No. P1300CR20081339
)	
18 Plaintiff,)	Div. 6
)	
19 vs.)	MOTION IN LIMINE TO
)	PRECLUDE JANA JOHNSON
20 STEVEN CARROLL DEMOCKER,)	
)	
21 Defendant.)	
)	
)	
)	(Expedited Oral Argument Requested)

22 Defendant, Steven DeMocker, by and through undersigned counsel, hereby
23 moves this Court *in limine* to preclude the State from calling Jana Johnson as a witness
24 in any phase of this case under the Fourth, Fifth, Sixth, Eighth and Fourteenth
25 Amendments to the United States Constitution and under the corresponding provisions
26 of the Arizona Constitution
27
28

SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2010 MAY 13 AM 10:27

JEANNE HICKS, CLERK

BY: Heather Figueroa

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3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 Jana Johnson is the lady who lives on Glenshandra Drive who has told police that
5 on the evening of July 2, 2008, she looked out her window and saw a person riding a
6 bicycle eastbound toward the gate to the open land behind the crime scene in this case.
7 However, her description of the person on the bike and the bike itself and the State's
8 concession that she cannot identify Mr. DeMocker (either in court or elsewhere) as the
9 person she saw that night makes her proposed testimony both irrelevant and unfairly
10 prejudicial.

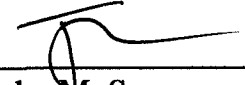
11 Pursuant to Rules 401, 402 and 403, Rules of Evidence, her testimony should be
12 precluded by this Court. The State has not, and cannot, offer any basis for its
13 admission, despite this Court's recent invitation to do so.

14 **CONCLUSION**

15 The Court should preclude the State from calling Jana Johnson as a witness in
16 any phase of this case.

17 RESPECTFULLY SUBMITTED this 13th day of May, 2010.

18 By:

19 
20 John M. Sears
P.O. Box 4080
Prescott, Arizona 86302

21 OSBORN MALEDON, P.A.
22 Larry A. Hammond
23 Anne M. Chapman
24 2929 N. Central Avenue, Suite 2100
Phoenix, Arizona 85012-2793

25 Attorneys for Defendant
26
27
28

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2 **ORIGINAL** of the foregoing hand delivered for
3 filing this 13th day of May, 2010, with:

4 Jeanne Hicks
5 Clerk of the Court
6 Yavapai County Superior Court
7 120 S. Cortez
8 Prescott, AZ 86303

9 **COPIES** of the foregoing hand delivered this
10 this 13th day of May, 2010, to:

11 The Hon. Thomas B. Lindberg
12 Judge of the Superior Court
13 Division Six
14 120 S. Cortez
15 Prescott, AZ 86303

16 Joseph C. Butner, Esq.
17 Prescott Courthouse basket

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